

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 THE HOUSEHOLDER GROUP LLLP, an) Case No.: C07-0573 SI
12 Arizona Limited Liability Limited Partnership,)
13 Plaintiff,) **JOINT CASE MANAGEMENT
STATEMENT, STIPULATION AND
REQUEST FOR CONTINUANCE OF
CASE MANAGEMENT CONFERENCE;
PROPOSED ORDER**
14 v.)
15 RANDY S. FUSS, an individual,) Case Management Conference:
16 Defendant.) Date: July 13, 2007
17) Time: 2:00 P.M.
18) Dept: Courtroom 10

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20 Plaintiff THE HOUSEHOLDER GROUP LLLP ("Plaintiff") and Defendant RANDY FUSS
21 ("Defendant") hereby jointly submit the following Case Management Statement and request a continuance of
22 the Case Management Conference for GOOD CAUSE showing as follows:

23 1. The Court originally continued the initial case management conference to 2:00 p.m. on June 30,
24 2007 on a sua sponte basis.
25 2. Former counsel for Defendant, Rick Augustini, advised the parties and the Court that he would be
26 out of the country on a family vacation from June 23, 2007 to July 2, 2007;

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Case Name: The Householder Group LLLP v. Fuss
Case No.: Case No.: C07-0573 SI

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JOINT CASE MANAGEMENT STATEMENT;
STIPULATION TO CONTINUE CMC;
PROPOSED ORDER

1 3. On May 10, 2007, pursuant to stipulation of the parties, the Court granted a request that the Case
 2 Management Conference be continued to July 13, 2007 at 2:00 P.M. to accommodate Defendant counsel's
 3 vacation schedule.

4 4. The original complaint was filed by Plaintiff on January 29, 2007;

5 5. A Motion to Compel Arbitration was filed by Defendant on February 22, 2007, and then was
 6 withdrawn on March 29, 2007 prior to hearing.

7 6. Between April 13, 2007 and May 10, 2007, the parties made a good faith effort to enter into a pre-
 8 disclosure Stipulation for Protective Order, but were unsuccessful.

9 7. On April 9, 2007, Defendant filed a Motion to Dismiss and/or Strike Portions of the Complaint
 10 which motion was heard by the Court on June 1, 2007.

11 8. On June 4, 2007, the Court entered an order on the Motion Dismiss and/or Strike Portions of the
 12 Complaint.

13 9. On June 15, 2007, Plaintiff filed a First Amended Complaint.

14 10. On June 22, 2007, Defendant substituted new counsel in this case.

15 11. On July 5, 2007 the court granted a Pro Hac Vice application by attorney David Carmichael, as
 16 Plaintiff's Arizona counsel.

17 12. Defendant filed an Answer and Cross claim on July 2, 2007.

18 13. On or about June 25, 2007, Plaintiff's counsel and Defendant's newly substituted counsel
 19 telephonically met and conferred on the ADR selection process and stipulated to an Early Neutral Evaluation.
 20 On June 27, 2007, the Court issued its order referring this case to ENE.

21 14. Plaintiff's responsive pleading to Defendant's Cross Claim is due to be filed on July 22, 2007.

22 15. Plaintiff has not yet decided if any motion on the Defendant' pleading will be made as it is still
 23 under review.

24 16. Because Defendant's new counsel was only recently retained, and because the parties have not
 25 yet decided whether additional Motions will be filed in response to recently submitted pleadings, the parties
 26 have not yet been able to fully ascertain claims and defenses, and therefore have been unable to meaningfully
 27 undertake the initial disclosures required by FRCP, Rule 26.

1 17. The parties, through their respective counsel, are however cooperating in good faith to
2 procedurally advance this case and believe that the efficient administration of justice in this case will be
3 advanced by allowing additional time for the parties to evaluate the pleadings, after which initial disclosures
4 will be made and then reported on to the court.

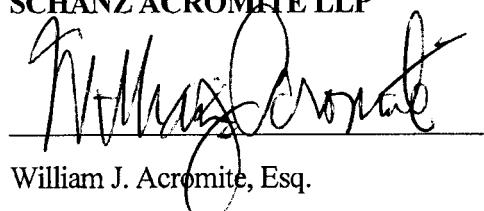
5 18. The parties agree the requested continuance will also assist the parties in identifying and
6 narrowing disputed and undisputed issues of fact and law, after which both parties shall be able to provide the
7 Court additional information concerning: a) the scope and duration of anticipated discovery; b) whether there
8 is the need for additional motions, and c) an estimate of both the trial date and its duration.

9 19. Accordingly, the parties jointly request that the Court continue the Case Management Conference
10 to a later date to allow for additional time for the completion of initial disclosures under Rule FRCP 26 when
11 the case is at-issue.

12 BASED ON THE FOREGOING, PLAINTIFF AND DEFENDANT HEREBY STIPULATE AND
13 REQUEST THAT THE COURT CONTINUE the initial Case Management Conference to 2:00 p.m. on
14 September 7, 2007, or at such other time as the court may direct.

16 SCHANZ ACROMITE LLP

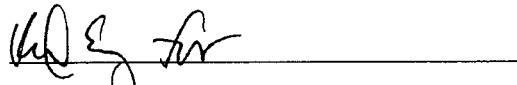
17 Date: 7/6/07

18 
William J. Acromite, Esq.

19 Attorneys for Plaintiff

22 MARKUN ZUSMAN & COMPTON LLP

24 Date: July 6, 2007

25 
Amir Tadjedin, Esq.

26 Attorneys for Defendant

ORDER

Having considered the stipulation and request of counsel, and good cause appearing therefor,

IT IS ORDERED that the initial Case Management Conference is hereby continued to 2:00 P.M. on

9/14/07

Date:

Susan Hilton

Honorable Susan Illston

U.S. District Court Judge